

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments are adopted in conjunction with amendments adopted by the Insurance Division that were published in the Iowa Administrative Bulletin on November 4, 2009, as **ARC 8271B**. The purpose of both filings is to cooperate in operating a long-term care partnership program in Iowa to provide for financing of long-term care through a combination of private insurance and medical assistance. The amendments are intended to implement Iowa Code chapter 514H as amended by 2009 Iowa Acts, House File 723, and to meet the requirements set by Section 6021 of the federal Deficit Reduction Act of 2005, Public Law 109-171.

The long-term care partnership program provides an incentive for the purchase of qualified long-term care insurance by allowing a \$1 disregard of resources for each \$1 that a Medicaid applicant’s insurance policy has paid for qualified long-term care expenses. The amendments in Item 1:

- Remove the minimum age limit of 65;
- Clarify that the benefit applies to persons who would be eligible for cash assistance or the Family Medical Assistance Program if they were not in a medical institution, persons who qualify for Medicaid under a special income standard for persons who stay in a medical institution more than 30 days, and persons eligible for Medicaid home- and community-based waiver services; and
- Extend the incentive by exempting those disregarded resources from recovery from the estate after the Medicaid member’s death.

These amendments do not provide for waivers in specified situations, since they are made to conform to federal and state law. However, requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on October 7, 2009, as **ARC 8220B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on December 9, 2009.

These amendments are intended to implement Iowa Code sections 249A.3 and 249A.4 and Iowa Code section 249A.35 and chapter 514H as amended by 2009 Iowa Acts, House File 723, sections 1 and 14 to 21, respectively.

These amendments shall become effective on March 1, 2010.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [75.5] is being omitted. These amendments are identical to those published under Notice as **ARC 8220B**, IAB 10/7/09.

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[For replacement pages for IAC, see IAC Supplement 1/13/10.]